

EXECUTIVE ORDER 11988 (FLOODPLAIN MANAGEMENT)

OVERVIEW

Executive Order 11988 is a flood hazard policy for all federal agencies that manage federal lands, sponsor federal projects, or provide federal funds to state or local projects. It requires that all federal agencies take necessary action to reduce the risk of flood loss; restore and preserve the natural and beneficial values served by floodplains; and minimize the impact of floods on human safety, health, and welfare. Specifically, Executive Order 11988 dictates that all federal agencies avoid construction or management practices that would adversely affect floodplains unless that agency finds that there is no practical alternative and the proposed action has been designed or modified to minimize harm to or within the floodplain.

WHO NEEDS TO COMPLY?

Executive Order 11988 requirements apply to all CALFED actions that are located on federal land, sponsored by a federal agency, or funded with federal monies and that may affect a floodplain.

HOW LONG DOES THE APPROVAL PROCESS TAKE?

Compliance with Executive Order 11988 is usually incorporated into the NEPA process. See “[National Environmental Policy Act](#)” earlier in this chapter for a description of time frames for preparation of environmental impact statements (EISs) and environmental assessments.

WHAT INFORMATION DOES THE APPLICANT NEED TO PROVIDE?

Before implementing a proposed action, federal agencies are required to determine whether the action would occur in a floodplain. This determination must be made according to a floodplain map provided by the Department of Housing and Urban Development or, if available, a more detailed map of an area. If the federal agency proposes an action in a floodplain, it must consider alternatives to avoid adverse effects and incompatible development in the floodplain. If the agency finds that the only practicable alternative requires that the project be sited in a floodplain, it must:

- design or modify its action to minimize potential harm to or within the floodplain; and
- prepare and circulate a notice, not to exceed three pages in length, that includes the following:
 - the reasons why the action is proposed to be located in a floodplain;

- a statement indicating whether the action conforms to applicable State or local floodplain protection standards; and
- a list of alternatives considered.

The agency should send the notice to the State Clearinghouse. The information in this notice is often provided in a chapter on consultation and coordination in the NEPA document for the project.

WHAT IS THE FEE?

There is no fee to comply with Executive Order 11988. There is, however, a fee for NEPA compliance. Please see the section on NEPA compliance for details.

WHAT DOES THE APPLICATION AND EVALUATION PROCESS ENTAIL?

No permits or approvals are required for compliance with Executive Order 11988. To demonstrate compliance, the NEPA lead agency usually provides documentation in the NEPA document that indicates that the proposed action has been designed to minimize flood hazard potential. In addition, the agency must provide an opportunity for early public review by those who may be affected, and include its findings in its environmental document.

DOES THIS PROCESS TRIGGER THE NEED FOR COMPLIANCE WITH OTHER REGULATIONS?

Compliance with Executive Order 11988 is usually incorporated into the NEPA process. This executive order does not trigger any other environmental compliance requirements.

WHAT ARE THE OPPORTUNITIES FOR FACILITATING COMPLIANCE WITH THIS PROCESS?

The following step is recommended to simplify and streamline compliance with Executive Order 11988 for CALFED actions.

Use the mitigation strategies described in the CALFED Bay-Delta Program Final Programmatic Environmental Impact Statement/Environmental Impact Report (PEIS/EIR). CALFED has complied with Executive Order 11988 at a programmatic level by discussing the potential effects of the Preferred Program Alternative on flooding and by recommending mitigation strategies. However, project-level determinations will be required as well. CALFED should incorporate the mitigation strategies identified in the PEIS/EIR into its project-level documents.

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